

REMARKS

Claims 1, 2 and 8 have been amended. Claims 1-15 currently are pending.

35 USC § 112, first paragraph:

The examiner rejected claims 1, 2, and 4-15 under 35 USC § 112, first paragraph, because the specification, while enabling for an isolated nucleic acid encoding a nitrilase comprising the amino acid sequence of SEQ ID NO: 2 or an isolated nucleic acid of SEQ ID NO: 1 encoding a nitrilase does not reasonably provide enablement for any other embodiment. The examiner requires identification of structural motifs which are essential for enzyme structure and activity or function.

However, the specification of the present application provides a way of determining nitrilase activity. Example 5 is directed to determination of the nitrilase activity of the recombinant strain *E. coli* JM109. There is a test for determination of the specific activity for mandelonitrile. This disclosure added to the fact that **97%** homologs of SEQ ID NO: 1 are being claimed should lead one of ordinary skill in the art to conclude that undue experimentation is not necessary. Numerous computer programs exist which can distinguish the **97%** homologs. Therefore, applicants request reconsideration of the examiner's position.

35 USC § 112, second paragraph

Claims 1-15 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

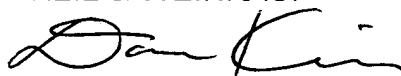
RESS-LOSCHKE et al., Ser. No. 09/806,876

To overcome the indefiniteness rejections, applicants amend the claims as suggested by the examiner.

Applicants believe the present application now is in condition for allowance. Favorable action is requested.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such account.

Respectfully submitted,
KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "Dan Kim", written over the printed name.

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